

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO. 4:18-CR-87
	§	Judge Mazzant
LAURA JORDAN (1)	§	
MARK JORDAN (2)	§	
	§	
Defendants.	§	

COURT'S INSTRUCTIONS TO THE JURY

Members of the Jury:

In any jury trial there are, in effect, two judges. I am one of the judges; the other is the jury. It is my duty to preside over the trial and to decide what evidence is proper for your consideration. It is also my duty at the end of the trial to explain to you the rules of law that you must follow and apply in arriving at your verdict.

First, I will give you some general instructions which apply in every case, for example, instructions about burden of proof and how to judge the believability of witnesses. Then I will give you some specific rules of law about this particular case, and finally I will explain to you the procedures you should follow in your deliberations.

DUTY TO FOLLOW INSTRUCTIONS

You, as jurors, are the judges of the facts. But in determining what actually happened—that is, in reaching your decision as to the facts—it is your sworn duty to follow all of the rules of law as I explain them to you.

You have no right to disregard or give special attention to any one instruction, or to question the wisdom or correctness of any rule I may state to you. You must not substitute

or follow your own notion or opinion as to what the law is or ought to be. It is your duty to apply the law as I explain it to you, regardless of the consequences.

It is also your duty to base your verdict solely on the evidence, without prejudice or sympathy. That was the promise you made and the oath you took before being accepted by the parties as jurors, and they have the right to expect nothing less.

**PRESUMPTION OF INNOCENCE,
BURDEN OF PROOF, REASONABLE DOUBT**

The Indictment or formal charge against a defendant is not evidence of guilt. Indeed, the defendants are presumed by the law to be innocent. The defendants begin with a clean slate. The law does not require a defendant to prove his or her innocence or produce any evidence at all and no inference whatever may be drawn from the election of a defendant not to testify.

The government has the burden of proving the defendants guilty beyond a reasonable doubt, and if it fails to do so, you must acquit the defendants. While the government's burden of proof is a strict or heavy burden, it is not necessary that the defendants' guilt be proved beyond all possible doubt. It is only required that the government's proof exclude any "reasonable doubt" concerning the defendants' guilt.

A "reasonable doubt" is a doubt based on reason and common sense after careful and impartial consideration of all the evidence in the case. Proof beyond a reasonable doubt, therefore, is proof of such a convincing character that you would be willing to rely and act on it without hesitation in making the most important decisions of your own affairs.

EVIDENCE—EXCLUDING WHAT IS NOT EVIDENCE

As I told you earlier, it is your duty to determine the facts. To do so, you must consider only the evidence presented during the trial. Evidence is the sworn testimony of the witnesses, including stipulations, and the exhibits. The questions, statements, objections, and arguments made by the lawyers are not evidence.

The function of the lawyers is to point out those things that are most significant or most helpful to their side of the case, and in so doing to call your attention to certain facts or inferences that might otherwise escape your notice. In the final analysis, however, it is your own recollection and interpretation of the evidence that controls in the case. What the lawyers say is not binding on you.

During the trial I sustained objections to certain questions and exhibits. You must disregard those questions and exhibits entirely. Do not speculate as to what the witness would have said if permitted to answer the question or as to the contents of an exhibit. Also, certain testimony or other evidence has been ordered removed from the record and you have been instructed to disregard this evidence. Do not consider any testimony or other evidence which has been removed from your consideration in reaching your decision. Your verdict must be based solely on the legally admissible evidence and testimony.

Also, do not assume from anything I may have done or said during the trial that I have any opinion concerning any of the issues in this case. Except for the instructions to you on the law, you should disregard anything I may have said during the trial in arriving at your own verdict.

EVIDENCE—INFERENCES—DIRECT AND CIRCUMSTANTIAL

In considering the evidence, you are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts which have been established by the evidence.

Do not be concerned about whether evidence is “direct evidence” or “circumstantial evidence.” You should consider and weigh all of the evidence that was presented to you.

“Direct evidence” is the testimony of one who asserts actual knowledge of a fact, such as an eye witness. “Circumstantial evidence” is proof of a chain of events and circumstances indicating that something is or is not a fact.

The law makes no distinction between the weight to be given either direct or circumstantial evidence. But the law requires that you, after weighing all of the evidence, whether direct or circumstantial, be convinced of the guilt of a defendant beyond a reasonable doubt before you can find him or her guilty.

CREDIBILITY OF WITNESSES

I remind you that it is your job to decide whether the government has proved the guilt of the defendant beyond a reasonable doubt. In doing so, you must consider all of the evidence. This does not mean, however, that you must accept all of the evidence as true or accurate.

You are the sole judges of the credibility or “believability” of each witness and the weight to be given to the witness’s testimony. An important part of your job will be making judgments about the testimony of the witnesses who testified in this case. You should decide

whether you believe all, some part, or none of what each person had to say, and how important that testimony was. In making that decision I suggest that you ask yourself a few questions: Did the witness impress you as honest? Did the witness have any particular reason not to tell the truth? Did the witness have a personal interest in the outcome of the case? Did the witness have any relationship with either the government or the defense? Did the witness seem to have a good memory? Did the witness clearly see or hear the things about which he or she testified? Did the witness have the opportunity and ability to understand the questions clearly and answer them directly? Did the witness's testimony differ from the testimony of other witnesses? These are a few of the considerations that will help you determine the accuracy of what each witness said.

Your job is to think about the testimony of each witness you have heard and decide how much you believe of what each witness had to say. In making up your mind and reaching a verdict, do not make any decisions simply because there were more witnesses on one side than on the other. Do not reach a conclusion on a particular point just because there were more witnesses testifying for one side on that point. You will always bear in mind that the law never imposes upon a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence.

IMPEACHMENT BY PRIOR INCONSISTENCIES

The testimony of a witness may be discredited by showing that the witness testified falsely, or by evidence that at some other time the witness said or did something, or failed to say or do something, which is inconsistent with the testimony the witness gave at this trial.

Earlier statements of a witness were not admitted in evidence to prove that the contents of those statements are true. You may not consider the earlier statements to prove that the content of an earlier statement is true; you may only use earlier statements to determine whether you think the earlier statements are consistent or inconsistent with the trial testimony of the witness and therefore whether they affect the credibility of that witness.

If you believe that a witness has been discredited in this manner, it is your exclusive right to give the testimony of that witness whatever weight you think it deserves.

**IMPEACHMENT BY PRIOR CONVICTION
(WITNESS OTHER THAN DEFENDANT)**

You have been told that the witness, Scott Manfred, was previously convicted of a crime. A conviction is a factor you may consider in deciding whether to believe that witness, but it does not necessarily destroy the witness's credibility. It has been brought to your attention only because you may wish to consider it when you decide whether you believe the witness's testimony. It is not evidence of anything else.

“ON OR ABOUT”

You will note that the Indictment charges that the offenses were committed on or about a specified date. The government does not have to prove that the crimes were committed on those exact dates, so long as the government proves beyond a reasonable doubt that the defendants committed the crimes on a date reasonably near the date stated in the Indictment.

CAUTION—CONSIDER ONLY CRIME CHARGED

You are here to decide whether the government has proved beyond a reasonable doubt that each defendant is guilty of the crimes charged. The defendants are not on trial for

any act, conduct, or offense not alleged in the Indictment. Neither are you called on to return a verdict as to the guilt of any other person or persons not on trial as a defendant in this case, except as you are otherwise instructed.

CAUTION—PUNISHMENT

If the defendants are found guilty, it will be my duty to decide what the punishment will be. You should not be concerned with punishment in any way. It should not enter your consideration or discussion.

MULTIPLE DEFENDANTS—MULTIPLE COUNTS

A separate crime is charged against one or more of the defendants in each count of the indictment. Each count, and the evidence pertaining to it, should be considered separately. The case of each defendant should be considered separately and individually. The fact that you may find one or more of the accused guilty or not guilty of any of the crimes charged should not control your verdict as to any other crime or any other defendant. You must give separate consideration to the evidence as to each defendant.

“KNOWINGLY”—TO ACT

The word “knowingly,” as that term has been used from time to time in these instructions, means that the act was done voluntarily and intentionally, not because of mistake or accident.

SUMMARIES AND CHARTS RECEIVED IN EVIDENCE

Certain charts and summaries have been received into evidence. You should give them only such weight as you think they deserve.

EXPERT OPINION TESTIMONY

During the trial you heard the testimony of various witnesses who expressed opinions on certain matters. If scientific, technical, or other specialized knowledge might assist the jury in understanding the evidence or in determining a fact in issue, a witness qualified by knowledge, skill, experience, training, or education may testify and state an opinion concerning such matters.

Merely because such a witness has expressed an opinion does not mean, however, that you must accept this opinion. You should judge such testimony like any other testimony. You may accept it or reject it and give it as much weight as you think it deserves, considering the witness's education and experience, the soundness of the reasons given for the opinion, and all other evidence in the case.

LIMITED PURPOSE OF REGULATORY VIOLATIONS

You have heard testimony that the defendants may have violated certain regulatory, licensing, or tax rules. A violation of such rules in itself is not a criminal offense.

The government must prove all of the elements of the crimes charged, beyond a reasonable doubt. For example, even if you assume that the defendants violated some regulatory rule, it does not necessarily mean that they possessed the requisite criminal intent to commit any offenses charged or that the government has proved the elements of any alleged crime. If you find beyond a reasonable doubt from the other evidence in this case that the defendants did commit the acts charged in the Indictment, then you may consider the evidence of a violation of regulatory rules for the limited purpose of determining whether

the defendants had the state of mind or intent necessary to commit the crimes charged in the Indictment.

CONSPIRACY TO COMMIT HONEST SERVICES WIRE FRAUD
18 U.S.C. § 1349
(Count One)

The defendants are charged with conspiring to commit honest services wire fraud.

Title 18, United States Code, Section 1349, makes it a crime for anyone to knowingly and willfully conspire or agree with someone to do something that, if actually carried out, would result in the crime of honest services wire fraud.

A “conspiracy” is an agreement between two or more persons to join together to accomplish some unlawful purpose. It is a kind of “partnership in crime” in which each member becomes the agent of every other member.

For you to find the defendants guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That the defendants made an agreement to commit the crime of honest services wire fraud, as charged in the Indictment and as defined in these instructions regarding counts two, three, and four; and

Second: That the defendants knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose.

One may become a member of a conspiracy without knowing all the details of the unlawful scheme or the identities of all the other alleged conspirators. If a defendant understands the unlawful nature of a plan or scheme and knowingly and intentionally joins in that plan or scheme on one occasion, that is sufficient to convict him or her for conspiracy even though the defendant had not participated before and even though the defendant played only a minor part.

The government need not prove that the alleged conspirators entered into any formal agreement, nor that they directly stated between themselves all the details of the scheme. Similarly, the government need not prove that all of the details of the scheme alleged in the indictment were actually agreed upon or carried out. Nor must it prove that all of the persons alleged to have been members of the conspiracy were such, or that the alleged conspirators actually succeeded in accomplishing their unlawful objectives.

Mere presence at the scene of an event, even with knowledge that a crime is being committed, or the mere fact that certain persons may have associated with each other, and may have assembled together and discussed common aims and interests, does not necessarily establish proof of the existence of a conspiracy.

HONEST SERVICES WIRE FRAUD
18 U.S.C. § 1343
(Count Two)

Count Two of the Indictment charges defendant Laura Jordan with honest services wire fraud. Title 18, United States Code, Section 1343, makes it a crime for anyone to use interstate wire, radio, or television communications in carrying out a scheme to defraud.

For you to find Laura Jordan guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That Laura Jordan knowingly devised or intended to devise a scheme to defraud the City of Richardson or the citizens of the City of Richardson of the intangible right to her honest services as the mayor of the City of Richardson through “bribery,” which means:

- a. That Laura Jordan (known as Laura Maczka at the relevant time) was an agent of the City of Richardson;
- b. That the City of Richardson was a local government that received in any one-year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance;
- c. That Laura Jordan corruptly accepted, or agreed to accept, anything of value with the intent to be influenced in connection with any business, transaction, or series of transactions of the City of Richardson; and
- d. That the business transaction or series of transactions involved anything of value of \$5,000 or more.

The term “agent” means a person authorized to act on behalf of another person or a government and, in the case of an organization or government, includes a servant or employee, and a partner, director, officer, manager and representative.

The term “in any one-year period” means a continuous period that commences no earlier than twelve months before the commission of the offense or that ends no later than twelve months after the commission of the offense. Such period may include time both before and after the commission of the offense.

An act is “corruptly” done if it is done intentionally with an unlawful purpose.

The word “value” means face, par, market value, or cost price, either wholesale or retail, whichever is greater. “Anything of value” includes intangible items, such as furnishing sexual services.

It is not necessary to prove that the defendant’s conduct directly affected the federal funds received by the agency under the federal program. However, there must be some connection between the criminal conduct and the local government receiving federal assistance.

In determining whether the defendant is guilty of this offense, do not consider bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

Second: That the scheme to defraud employed false material representations;

Third: That on or about September 8, 2014, Laura Jordan transmitted or caused to be transmitted by way of wire, radio, or television communications, in interstate

commerce, the opening of Wells Fargo account 1 ending in 1020 for the purpose of executing such scheme; and

Fourth: That Laura Jordan acted with a specific intent to defraud.

A “scheme to defraud” means any plan, pattern, or course of action intended to deprive another of the intangible right to honest services through bribery.

A “specific intent to defraud” means a conscious, knowing intent to deceive or cheat someone.

A representation is “false” if it is known to be untrue or is made with reckless indifference as to its truth or falsity. A representation would also be “false” if it constitutes a half truth, or effectively omits or conceals a material fact, provided it is made with the intent to defraud.

A representation is “material” if it has a natural tendency to influence, or is capable of influencing, the decision of the person or entity to which it is addressed.

It is not necessary that the government prove all of the details alleged in the Indictment concerning the precise nature and purpose of the scheme. What must be proved beyond a reasonable doubt is that the defendant knowingly devised or intended to devise a scheme to defraud by means of false or fraudulent pretenses, representations, or promises that was substantially the same as the one alleged in the Indictment.

It is also not necessary that the government prove that the material transmitted by wire, radio, or television communications was itself false or fraudulent, or that the use of the interstate wire communications facilities was intended as the specific or exclusive means of accomplishing the alleged fraud. What must be proved beyond a reasonable doubt is that

the use of the interstate wire communications facilities was closely related to the scheme because the defendant either wired something or caused it to be wired in interstate commerce in an attempt to execute or carry out the scheme. “Interstate commerce” means commerce or travel between one state, territory or possession of the United States and another state, territory or possession of the United States, including the District of Columbia.

The alleged scheme need not actually succeed in defrauding anyone.

To “cause” interstate wire, radio, or television communications facilities to be used is to do an act with knowledge that the use of the wire communications facilities will follow in the ordinary course of business or where such use can reasonably be foreseen.

Each separate use of the interstate wire communications facilities in furtherance of a scheme to defraud by means of false or fraudulent pretenses, representations, or promises constitutes a separate offense.

HONEST SERVICES WIRE FRAUD
18 U.S.C. § 1343
(Count Three)

Count Three of the Indictment charges defendant Mark Jordan with honest services wire fraud. Title 18, United States Code, Section 1343, makes it a crime for anyone to use interstate wire, radio, or television communications in carrying out a scheme to defraud.

For you to find Mark Jordan guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That Mark Jordan knowingly devised or intended to devise a scheme to defraud the City of Richardson or the citizens of the City of Richardson of the intangible right to the honest services of the mayor of the City of Richardson through “bribery,” which means:

- a. That Laura Jordan (who was known as “Laura Maczka” at the relevant time) was an agent of the City of Richardson;
- b. That the City of Richardson was a local government that received in any one-year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance;
- c. That Mark Jordan corruptly gave or offered a thing or things of value to Laura Jordan (known as Laura Maczka at the relevant time) with the intent to influence her decisions in connection with any business, transaction, or series of transactions of the City of Richardson; and

d. That the business transaction or series of transactions involved anything of value of \$5,000 or more.

Second: That the scheme to defraud employed false material representations;

Third: That on or about September 9, 2014, Mark Jordan transmitted or caused to be transmitted by way of wire, radio, or television communications, in interstate commerce, an ATM cash withdrawal of \$1,000 for the purpose of executing such scheme; and

Fourth: That Mark Jordan acted with a specific intent to defraud.

For all relevant definitions, I refer you to my supporting instructions regarding Count Two, on pages 12 to 15 of these Instructions.

HONEST SERVICES WIRE FRAUD
18 U.S.C. § 1343
(Count Four)

Count Four of the Indictment charges defendant Laura Jordan with honest services wire fraud. Title 18, United States Code, Section 1343, makes it a crime for anyone to use interstate wire, radio, or television communications in carrying out a scheme to defraud.

For you to find Laura Jordan guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That Laura Jordan knowingly devised or intended to devise a scheme to defraud the City of Richardson or the citizens of the City of Richardson of the intangible right to her honest services as the mayor of the City of Richardson through “bribery,” which means:

- a. That Laura Jordan (known as Laura Maczka at the relevant time) was an agent of the City of Richardson;
- b. That the City of Richardson was a local government that received in any one-year period, benefits in excess of \$10,000 under a Federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of Federal assistance;
- c. That Laura Jordan corruptly accepted, or agreed to accept, anything of value with the intent to be influenced in connection with any business, transaction, or series of transactions of the City of Richardson; and
- d. That the business transaction or series of transactions involved anything of value of \$5,000 or more.

Second: That the scheme to defraud employed false material representations;

Third: That on or about September 9, 2014, Laura Jordan transmitted or caused to be transmitted by way of wire, radio, or television communications, in interstate commerce, an ATM cash deposit of \$300 for the purpose of executing such scheme; and

Fourth: That Laura Jordan acted with a specific intent to defraud.

For all relevant definitions, I refer you to my supporting instructions regarding Count Two, on pages 12 to 15 of these Instructions.

**CONSPIRACY TO COMMIT BRIBERY CONCERNING
A LOCAL GOVERNMENT RECEIVING FEDERAL FUNDS
18 U.S.C. § 371
(Count Five)**

Title 18, United States Code, Section 371, makes it a crime for anyone to conspire with someone else to commit an offense against the laws of the United States.

Defendants are charged with conspiring to commit bribery concerning a local government receiving federal funds.

A “conspiracy” is an agreement between two or more persons to join together to accomplish some unlawful purpose. It is a kind of “partnership in crime” in which each member becomes the agent of every other member.

For you to find the defendants guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That the defendants made an agreement to commit the crime of bribery concerning a local government receiving federal funds, as charged in the Indictment and as defined in these instructions regarding counts six and seven; and

Second: That the defendants knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and

Third: That one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the Indictment, in order to accomplish some object or purpose of the conspiracy.

One may become a member of a conspiracy without knowing all the details of the unlawful scheme or the identities of all the other alleged conspirators. If a defendant understands the unlawful nature of a plan or scheme and knowingly and intentionally joins

in that plan or scheme on one occasion, that is sufficient to convict him or her for conspiracy even though the defendant had not participated before and even though the defendant played only a minor part.

The government need not prove that the alleged conspirators entered into any formal agreement, nor that they directly stated between themselves all the details of the scheme. Similarly, the government need not prove that all of the details of the scheme alleged in the indictment were actually agreed upon or carried out. Nor must it prove that all of the persons alleged to have been members of the conspiracy were such, or that the alleged conspirators actually succeeded in accomplishing their unlawful objectives.

Mere presence at the scene of an event, even with knowledge that a crime is being committed, or the mere fact that certain persons may have associated with each other, and may have assembled together and discussed common aims and interests, does not necessarily establish proof of the existence of a conspiracy. Also, a person who has no knowledge of a conspiracy, but who happens to act in a way which advances some purpose of a conspiracy, does not thereby become a conspirator.

BRIBERY CONCERNING LOCAL GOVERNMENT RECEIVING FEDERAL FUNDS (ACCEPTING A BRIBE)

18 U.S.C. § 666(a)(1)(B)

(Count Six)

Title 18, United States Code, Section 666(a)(1)(B), makes it a crime for anyone who is an agent of a local government, or any agency thereof, that receives more than \$10,000 in federal assistance, in any one-year period, to corruptly accept or agree to accept anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such local government or agency involving anything of value of \$5,000 or more.

For you to find Defendant Laura Jordan guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That Laura Jordan (who at the relevant time was known as “Laura Maczka”) was an agent of the City of Richardson;

Second: That the City of Richardson was a local government that received in any one-year period, benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, or other form of federal assistance;

Third: That Laura Jordan corruptly accepted or agreed to accept anything of value from any person with the intent to be influenced or rewarded in connection with any business, transaction, or series of transactions of the City of Richardson; and

Fourth: That the business, transaction, or series of transactions involved anything of value of \$5,000 or more.

The term “agent” means a person authorized to act on behalf of another person, or a government and, in the case of an organization or government, includes a servant, employee, or representative.

The term “local” means of or pertaining to a political subdivision within a State.

The term “in any one-year period” means a continuous period that commences no earlier than twelve months before the commission of the offense or that ends no later than twelve months after the commission of the offense. Such period may include time both before and after the commission of the offense.

An act is “corruptly” done if it is done intentionally with an unlawful purpose.

The word “value” means the face, par, market value, or cost price, either wholesale or retail, whichever is greater. “Anything of value” includes intangible items, such as furnishing sexual services.

It is not necessary to prove that the defendant’s conduct directly affected the federal funds received by the agency under the federal program. However, there must be some connection between the criminal conduct and the local government receiving federal assistance.

In determining whether the defendant is guilty of this offense, do not consider bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

BRIBERY CONCERNING LOCAL GOVERNMENT RECEIVING FEDERAL FUNDS (OFFERING A BRIBE)

18 U.S.C. § 666(a)(2)

(Count Seven)

Title 18, United States Code, Section 666(a)(2), makes it a crime for anyone to corruptly give, offer, or agree to give anything of value to any person, with intent to influence or reward an agent of a local government, or any agency thereof, that receives more than \$10,000 in federal assistance in any one-year period, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more.

For you to find Defendant Mark Jordan guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That Laura Jordon (who was known as “Laura Maczka” at the relevant time) was an agent of the City of Richardson;

Second: That the City of Richardson was a local government, or any agency thereof, that received in any one-year period, benefits in excess of \$10,000 under a Federal program involving a grant, subsidy, or other form of federal assistance;

Third: That Mark Jordan corruptly gave, offered, or agreed to give a thing or things of value to Laura Jordan with the intent to influence or reward her in connection with any business, transaction, or series of transactions of the City of Richardson; and

Fourth: That the business, transaction, or series of transactions involved anything of value of \$5,000 or more.

The term “agent” means a person authorized to act on behalf of another person, or a government and, in the case of an organization or government, includes a servant, employee, or representative.

The term “local” means of or pertaining to a political subdivision within a State.

The term “in any one-year period” means a continuous period that commences no earlier than twelve months before the commission of the offense or that ends no later than twelve months after the commission of the offense. Such period may include time both before and after the commission of the offense.

An act is “corruptly” done if it is done intentionally with an unlawful purpose.

The word “value” means the face, par, market value, or cost price, either wholesale or retail, whichever is greater. “Anything of value” includes intangible items, such as furnishing sexual services.

It is not necessary to prove that the defendant’s conduct directly affected the federal funds received by the agency under the federal program. However, there must be some connection between the criminal conduct and the local government receiving federal assistance.

In determining whether the defendant is guilty of this offense, do not consider bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

DUTY TO DELIBERATE—VERDICT FORM

To reach a verdict, whether it is guilty or not guilty, all of you must agree. Your verdict must be unanimous as to each Count for each Defendant in the Indictment. Your deliberations will be secret. You will never have to explain your verdict to anyone.

It is your duty to consult with one another and to deliberate in an effort to reach agreement if you can do so. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. During your deliberations, do not hesitate to reexamine your own opinions and change your mind if convinced that you were wrong. But do not give up your honest beliefs as to the weight or effect of the evidence solely because the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

Remember at all times, you are judges—judges of the facts. Your duty is to decide whether the government has proved the defendant guilty beyond a reasonable doubt.

When you go to the jury room, the first thing that you should do is select one of your number as your foreperson, who will help to guide your deliberations and will speak for you here in the courtroom.

A verdict form has been prepared for your convenience. [Explain]

The foreperson will write the unanimous answer of the jury in the space provided for each count of the Indictment, either guilty or not guilty. At the conclusion of your deliberations, the foreperson should date and sign the verdict.

If you need to communicate with me during your deliberations, the foreperson should write the message and give it to the court security officer. I will either reply in writing or bring you back into the court to answer your message.

Bear in mind that you are never to reveal to any person, not even to the court, how the jury stands, numerically or otherwise, on any count in the Indictment, until after you have reached a unanimous verdict.

SIGNED this 6th day of March, 2019.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE